

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
US BANK, NATIONAL ASSOCIATION,

Plaintiff,

-against-

COMMONWEALTH LAND TITLE INSURANCE  
COMPANY,

Defendant.

----- X  
COMMONWEALTH LAND TITLE INSURANCE  
COMPANY,

Third-Party Plaintiff,

-against-

ANM FUNDING LLC, ABE KLEIN, NOAH  
HERSHKOVITZ, LEAH HERSHKOVITZ, TSVINY  
HERSKOVITZ, LOWENTHAL & KOFMAN, P.C.,  
MARTIN KOFMAN, NORMAN TEPFER, SAMUEL  
GLUCKMAN and ROLAND FIELDS,

Third-Party Defendants.

----- X

Case No. 13-civ 7626 (NRB)

**NOTICE OF MOTION TO  
DISMISS THE THIRD PARTY  
COMPLAINT**

**Hon. Naomi Reice Buchwald**

**PLEASE TAKE NOTICE** that upon the annexed Declaration of Thomas A. Leghorn dated December 15, 2014, the pleadings and exhibits annexed thereto and the accompanying memorandum of law, third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and Norman Tepfer will move this court on **February 6, 2015**, as agreed by counsel, or as soon thereafter as counsel can be heard, before the Hon. Naomi Reice Buchwald at the Courthouse located at 500 Pearl St., Room 21A, New York, New York for an Order dismissing third-party plaintiff's claims against third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and


Norman Tepfer, in their entirety, pursuant Fed. R. Civ. P. 12(b)(6); and granting such other, further and different relief as this Court deems just and proper.

Dated: New York, New York  
December 22, 2014

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:

  
Anastasios P. Tonorezos (AT-8709)  
Jeffrey J. Cunningham (JC-0726)  
*Attorneys for Defendants*  
LOWENTHAL & KOFMAN, P.C., MARTIN  
KOFMAN, and NORMAN TEPFER  
150 East 42nd Street  
New York, New York 10017-5639  
Tel. No.: (212) 490-3000  
Fax No.: (212) 490-3038  
ernest.tonorezos@wilsonelser.com  
jeffrey.cunningham@wilsonelser.com  
File No. 10369.00054

To:

Mr. Evan Michailidis  
DUANE MORRIS  
*Attorneys for Plaintiff*  
1540 Broadway  
New York, NY 10036  
emichailidis@duannemorris.com

Robert Jason Shainess  
Capstone Law  
*Attorneys for Plaintiff*  
120 South Sixth Street  
Minneapolis, MN 55402  
(612)-548-1604  
(952)-314-9616 (fax)  
rob@capstonelawmn.com

David Kent Fiveson  
Butler, Fitzgerald & Potter  
*Attorneys for Defendant/Third-Party Plaintiff*  
350 Fifth Avenue, Suite 6215  
New York, NY 10118  
(212)-615-2200  
(212)-615-2215 (fax)  
dfiveson@bffmlaw.com

Avinoam Y. Rosenfeld  
THE ROSENFELD LAW OFFICE  
*Attorneys for Third-Party Defendants Tsviny  
Herskovitz, Noah Herskovitz, Leah Herskovitz,  
and Samuel Gluckman*  
156 Harborview South  
Lawrence, New York 11559  
Tel: (516) 547-1717  
Fax: (516) 232-9092

ANM Funding, LLC  
*Third-Party Defendant, pro se*  
1677 42<sup>nd</sup> Street  
Brooklyn, New York 11204

Abe Klein  
*Third-Party Defendant, pro se*  
1677 42<sup>nd</sup> Street  
Brooklyn, NY 11204

Roland Fields  
*Third-Party Defendant, pro se*  
1430 Pinson St.  
Far Rockaway, NY 11691